



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Todd A. Benni
McDonald Hopkins Company
Suite 2100
600 Superior Avenue E
Cleveland, OH 44114

MAILED

MAY 12 2009

OFFICE OF PETITIONS

In re Application of
Sean Phillips, et. al.
Application No. 10/536,575
Filed: May 26, 2005
Attorney Docket No. 18801-00797

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 8, 2009, to revive the above-identified application.

The application became abandoned for failure to file a reply to the final Office action mailed on July 8, 2008. A Notice of Abandonment was mailed on February 5, 2009.

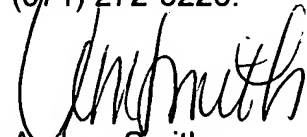
The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Stacy L. Emhoff appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party on whose behalf he/she acts.

Additionally, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and required submission under 37 CFR 1.114, with the \$810 fee; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3611 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read 'A. Smith', written over the printed name.

Andrea Smith
Petitions Examiner
Office of Petitions